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# Report of the Secretary-General on conflict-related sexual violence

## I. Introduction

1. The present report, which covers the period from January to December 2017, is submitted pursuant to Security Council resolution 2106 (2013), in which the Council requested me to report annually on the implementation of resolutions 1820 (2008), 1888 (2009) and 1960 (2010) and to recommend strategic actions. The reporting period was marked by the liberation of territories and the attendant release or escape of numerous women and girls formerly held by armed or terrorist groups. That development has lent urgency to efforts to alleviate the stigma associated with sexual violence, which can have life-long, and sometimes lethal, repercussions for both survivors and for children conceived through rape. It also underscores the importance of socioeconomic reintegration support aimed at restoring community cohesion in the wake of war. In the context of the mass migration crisis, sexual violence continued to serve as a driver of forced displacement and a factor inhibiting the return of uprooted communities to their places of origin. In the year under review, sexual violence was also used by belligerent parties to attack and alter the ethnic or religious identity of persecuted groups. As an integral component of strategies to secure the control of land and resources, conflict-related sexual violence has devastated the physical and economic security of displaced and rural women and women belonging to minority groups.

2. The term "conflict-related sexual violence" refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict. That link may be evident in the profile of the perpetrator, who is often affiliated with a State or non-State armed group, which includes terrorist entities, the profile of the victim, who is frequently an actual or perceived member of a political, ethnic or religious minority group or targeted on the basis of actual or perceived sexual orientation or gender identity, the climate of impunity, which is generally associated with State collapse, cross-border consequences such as displacement or trafficking, and/or violations of a ceasefire agreement. The term also encompasses trafficking in persons when committed in situations of conflict for the purpose of sexual violence or exploitation.

3. While many settings are affected by conflict-related sexual violence, in the present report I focus on 19 countries where verifiable information exists. It should be read in conjunction with my eight previous reports on the subject, which

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cumulatively provide the basis for the listing of 47 parties (see annex). The majority of listed parties are non-State actors, with seven having been designated as terrorist groups on the ISIL (Da'esh) and Al-Qaida sanctions list. Those national military and police forces that are listed are required to engage with my Special Representative on Sexual Violence in Conflict to develop specific, time-bound commitments and action plans to address violations, as several have done since 2010. Cessation of violations and effective implementation of commitments are key factors in the consideration of the delisting of parties.

4. The present report is based on information verified by the United Nations, unless indicated otherwise. In that regard, the presence of women's protection advisers, who are responsible for convening the monitoring, analysis and reporting arrangements on combating conflict-related sexual violence in the field, has improved the availability and quality of information. Currently, 21 women's protection advisers are deployed in seven mission settings. All peacekeeping missions with mandates that include the protection of civilians have established the monitoring arrangements and incorporated early warning indicators of conflict-related sexual violence into their broader protection structures. Two special political missions have also established such arrangements.

5. National authorities and civil society are working with the United Nations to prevent and address conflict-related sexual violence in the countries mentioned in the present report. Efforts include legal reforms, legal assistance programmes, community security programmes, the development of specialized services for victims and witnesses, awareness-raising campaigns and rehabilitation programmes. Support for country-level assistance on justice and the rule of law has been coordinated and scaled up through the Global Focal Point for Police, Justice and Corrections, and peacekeeping missions continue to implement their mandate of protection of civilians, prioritizing the prevention of conflict-related sexual violence.

6. Strengthening the capacity of national institutions is critical to ensuring accountability for past crimes, and for prevention and deterrence of future crimes. In that regard, the Team of Experts on the Rule of Law and Sexual Violence in Conflict, in accordance with its mandate under Security Council resolution 1888 (2009), continues to work closely with Governments and United Nations missions and country teams on the ground to support the investigation, prosecution of perpetrators and adjudication of such crimes under civilian and military systems, legislative reform, the protection of victims and witnesses and reparative justice. Situated in the Office of the Special Representative, the Team of Experts is composed of specialists from the Department of Peacekeeping Operations, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme supplemented by a roster of experts with a range of specializations. To date, engagements of the Team of Experts have been conducted in the Central African Republic, Colombia, Côte d'Ivoire, the Democratic Republic of the Congo, Guinea, Iraq, Liberia, Mali, Myanmar, Nigeria, Somalia, South Sudan and the Sudan, as well as with regional organizations such as the African Union, the International Conference on the Great Lakes Region and the League of Arab States. During the reporting period, its support to national authorities and the United Nations in various settings have contributed to achievements of Member States, including in the successful prosecutions for rape as a war crime and a crime against humanity in the Democratic Republic of the Congo; the establishment of a specialized police unit for sexual violence in the Central African Republic; the development of strategies for investigating and prosecuting sexual violence perpetrated by Islamic State in Iraq and the Levant (ISIL/Da'esh) in Iraq; and the formulation of an action plan with the South Sudanese Armed Forces to strengthen accountability. In Guinea, the Team of Experts continued to support the investigation of crimes of sexual violence perpetrated in

Conakry in September 2009, a nationally led effort to combat impunity, with technical support from the international community. The Government has since indicted 17 high-ranking military officials, conducted over 450 hearings, which included the testimony of at least 200 victims and witnesses of sexual violence, and increased judicial cooperation with neighbouring countries, which has led to the arrest and extradition of alleged perpetrators. The Team of Experts has committed to supporting preparation of the trials, including in the areas of victim and witness protection, the design of a reparations strategy, sensitization, outreach and resource mobilization. The work of the Team of Experts demonstrates that, with political will and dedicated assistance, Governments can hold perpetrators of conflict-related sexual violence accountable and deliver justice for victims.

7. The United Nations Action against Sexual Violence in Conflict network, which consists of 14 United Nations entities and is chaired by my Special Representative, aims at strengthening the prevention of and response to sexual violence through a coordinated, coherent and comprehensive approach. In 2017, through the United Nations Action multi-partner trust fund, funding was provided to support a project on children conceived through rape in Iraq, and to support the Gender-based Violence Information Management System, an inter-agency initiative that enables humanitarian actors to safely collect, store, analyse and share data. In 2017, the network continued to fund the post of senior women's protection adviser in Iraq and successfully advocated for its inclusion in the regular budget of the mission. The network also provided financing for an adviser to support the development of a national strategy on gender-based violence, including sexual violence in conflict, in Mali. United Nations Action continued to fund a joint programme in Bosnia and Herzegovina, which aims at addressing the legacy of conflict-related sexual violence, and five projects in the Middle East and North Africa, which primarily support Syrian and Iraqi survivors, including those who are refugees in Lebanon and Jordan. The project in Jordan contributed to the adoption of a national action plan on women and peace and security, which provides a protective framework for refugees who are survivors of sexual violence. In 2017, the United Nations Action network conducted joint technical support missions to Bangladesh, Bosnia and Herzegovina, the Central African Republic, Iraq, Jordan and Lebanon to help to improve the response to conflict-related sexual violence.

8. Recognizing the existence of acts of sexual exploitation and abuse in the United Nations, I have pledged to dramatically improve the way the Organization prevents and responds to such conduct by any United Nations personnel. In my report on special measures for protection from sexual exploitation and abuse (A/72/751), I provided an update on progress in implementing a new strategic approach, led by the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse, including the appointment of a victims' rights advocate, improved transparency and information-sharing and the signing by 89 Member States of a voluntary compact committing to a policy of zero tolerance of sexual exploitation and abuse.

## II. Sexual violence in conflict as a tactic of war and terrorism: overview of current and emerging concerns

9. A decade ago, the Security Council adopted the groundbreaking resolution 1820 (2008), which elevated the issue of conflict-related sexual violence on its agenda to a threat to security and an impediment to the restoration of peace. The recognition of the fact that such incidents are not random or isolated but integral to the operations, ideology and economic strategy of a range of State actors and non-State armed groups marked a shift in the classic security paradigm. Wars are still being fought on and

over the bodies of women, to control their production and reproduction by force. Across regions, sexual violence has been perpetrated in public or witnessed by loved ones, to terrorize communities and fracture families through the violation of taboos, signifying that nothing is sacred and no one is safe. While significant normative progress has been achieved in recent years, it is also clear that words on paper are not yet matched by facts on the ground. Through successive resolutions, the Council has called for a complete halt to sexual violence in conflict zones. The issue has since been included in an increasing number of peace mandates, designation criteria of sanctions regimes, training curricula of security sector institutions, mediation processes and jurisprudence of national and international tribunals. As the issue has become part of security discourse, we must remain vigilant to ensure that such atrocities are never "normalized" or become entrenched in post-conflict societies, because countless women, girls, men and boys still live under the shadow of sexual violence.

10. The rise or resurgence of conflict and violent extremism, with the ensuing proliferation of arms, mass displacement and collapse of the rule of law, triggers patterns of sexual violence. That was evident across a range of settings in 2017, as insecurity spread to new regions of the Central African Republic, as violence surged in Ituri, the three Kasai provinces, North and South Kivu and Tanganyika in the Democratic Republic of the Congo, as conflict engulfed South Sudan, as "ethnic cleansing" under the guise of clearance operations unfolded in northern Rakhine, Myanmar, and in besieged areas of the Syrian Arab Republic and Yemen. In each case, the atrocities were presaged by violations of human rights, including discrimination on the basis of gender and group identity. In addition, in 2017 the space for civil society continued to shrink, and the work of defending human rights became ever more dangerous, with activists being raped for denouncing sexual violence, witnesses intimidated for testifying at trials for war crimes and prominent women silenced by the threat of rape.

11. The preponderance of victims were politically and economically marginalized women and girls, living beyond the reach and protection of the institutions that ensure the rule of law. They are concentrated in remote, rural areas, which have the least access to quality services, and in refugee and displacement settings. A risk factor correlated with exposure to sexual violence is the increase in female-headed households in the wake of war: in Yemen, their prevalence rose from 9 per cent before the conflict to 30 per cent to date; in post-conflict Sri Lanka, they account for one quarter of all households.

12. In 2017, sexual violence continued to be employed as a tactic of war, terrorism, torture and repression, including the targeting of victims on the basis of their actual or perceived ethnic, religious, political or clan affiliation. In many cases, the intent and impact of such violence was to forcibly displace and disperse the targeted community, with corrosive effects on social cohesion. That alarming trend is common to a range of otherwise diverse conflicts examined herein, including in the Central African Republic, the Democratic Republic of the Congo, Iraq, Mali, Myanmar, Nigeria, Somalia and South Sudan. In those cases, to varying degrees, the strategic nature of sexual violence was evident in the selective targeting of victims from specific ethnic, religious or political groups, mirroring the fault lines of the wider conflict or crisis and, in some cases, in the explicit enactment of the nationalist or extremist ideologies espoused by the perpetrators. In such cases, conflict-related sexual violence has served as an expression of ethnic hatred, even "ethnic cleansing", often accompanied by insults based on the victim's identity and presumed allegiance. It was also noted in several settings that women and girls rarely report sexual violence by members of their own community in times of war, owing to overarching political and ethnic loyalties and pressures.

13. Sexual violence has been employed by the armed and violent extremist groups named in the present report as a vehicle of persecution, directed in particular towards women and girls of reproductive age, as the perceived transmitters of cultural and ethnic identity and the symbolic repositories of familial and national "honour". Those patterns of violence are embedded in the underlying structural conditions, including inequality, discrimination on the basis of gender and the neglect of the rights of minority groups, often exacerbated by militarization. Sexual violence in turn impedes the realization of other rights. It continued to have a chilling effect on the participation of women in the political, economic and security sectors in contexts such as Afghanistan, Burundi and Libya. Moreover, a pattern observed across all 19 countries considered herein is that the threat of sexual violence constrains freedom of movement: the more militarized an area, the more constrained civilian existence becomes, with devastating effects on lives and livelihoods.

14. The effects of sexual violence echo across generations, through trauma, stigma, poverty, poor health and unwanted pregnancy. The children whose existence emanates from that violence have been labelled "bad blood" or "children of the enemy", and alienated from their mother's social group. Their vulnerability may leave them susceptible to recruitment, radicalization and trafficking. In South Sudan, sexual violence has become so prevalent that members of the Commission on Human Rights in South Sudan have described women and girls as "collectively traumatized".

15. In the context of mass migration, sexual violence continued to be a push factor for forced displacement in contexts such as Colombia, Iraq, the Syrian Arab Republic and the Horn of Africa and elsewhere and remained a heightened risk in transit and in refugee and displacement settings. Many women and girls were subjected to sexual extortion by camp officials or by migrant smugglers in exchange for their assistance. The fear of rape as a factor inhibiting the return of displaced communities to their homelands became more prevalent over the past year. Many women are reticent to return to locations still under the control of the forces that compelled them to flee, in particular in the absence of accountability, as noted by Rohingya refugees. Rapes have been reported in villages to which displaced Darfuri women have returned, and refugee women re-entering Burundi have been sexually harassed in retaliation for having fled.

16. Conflict-related sexual violence has led to the dispossession of land, resources and identity. In resolution 2331 (2016), the Security Council recognized that the threat and use of sexual violence was a tactic used in the shadow economy of conflict and terrorism, often forcing populations to flee contested territory, allowing aggressors to seize control of the assets left behind. It has particularly severe effects on the physical and economic security of rural women; indeed, the percentage of women who hold legal title to land is halved in the aftermath of war. In conflict-affected settings, sexual violence is frequently perpetrated in the course of forced evictions and raids, which are rife with abductions for the purpose of ransoming or trafficking.

17. There is a discernible pattern of combatants profiting from sexual violence, while communities suffer increased economic hardship. Women have been sexually assaulted while conducting livelihood activities that are prescribed on the basis of gender, such as trading at marketplaces, tending fields and fetching firewood, as seen in the Central African Republic, the Democratic Republic of the Congo, Myanmar, Nigeria, South Sudan and the Sudan. In certain cases, combatants have been permitted to rape with impunity or with the tacit approval of their commanders, who rationalize the practice as a form of compensation. Combatants raid, pillage, abduct, extort, ransom, trade and traffic to supplement their personal micro-economies, while women suffer structural discrimination at the macroeconomic level, which reduces their resilience to financial and security shocks. Conflict thus compounds the gender gap

in access to land and other productive resources, by further reducing women to an expendable "currency" in the political economy of war and terrorism.

18. Although it is increasingly clear that self-reliance, economic empowerment and having a political voice are the most effective forms of protection from sexual violence, desperate families are increasingly resorting to harmful and negative coping mechanisms, including child marriage, polygamy, withdrawal from educational and employment opportunities, transactional sex and/or "survival sex" and commercial sexual exploitation. The despair wrought by protracted conflict has given rise to further repression in the name of protection. In countries such as the Central African Republic, Mali, Somalia and Yemen, rates of child marriage are among the highest in the world; they have also spiked among Syrian refugees. Armed, terrorist and transnational criminal groups directly profit from trafficking, with victims being either abducted or deceived by false promises of lucrative job offers, their dreams of finding safety and opportunity becoming nightmares of sexual slavery and forced prostitution.

19. The persistent barriers to reporting are as much socioeconomic and cultural as they are logistical, rendering sexual violence perpetrated in wartime among the least reported crimes. For many survivors, fear of rape is swiftly followed by fear of rejection, with communities being more likely to punish the victim than the perpetrator. In addition to the debilitating physical and psychological trauma, the stigma that follows in the wake of rape can have lasting, potentially lethal, repercussions, including: "honour killings", suicide, diseases, HIV and sexually transmitted infections going untreated, traumatic fistula, unsafe abortion, maternal mortality, poverty and high-risk survival behaviour. While the stigma in the wake of rape is almost universal, its manifestations vary widely. For male survivors, sexual violence remains shrouded in cultural taboos, with few, if any, support networks available. Over 60 countries still do not include male victims within the scope of sexual violence legislation, and many men and boys remain silent for fear of ostracism or accusations of homosexuality, in particular where it is criminalized. Lesbian, gay, bisexual, transgender and intersex individuals experience stigma and exclusion in refugee settings, notably in the Middle East, with some citing fear of sexual violence as a factor inducing their flight from the Syrian Arab Republic. Children conceived through rape in wartime often struggle with issues of identity and belonging for decades after the end of war, as seen in Bosnia and Herzegovina, Nepal and elsewhere. Colombia is the only country in which children conceived through rape in wartime are legally recognized as victims, although it has been difficult for them to gain access to redress without being stigmatized. Socioeconomic reintegration support, including stigma-alleviation efforts, should be a part of post-conflict reconstruction, however, the limited rehabilitation packages available tend to focus on men who have disengaged from armed and extremist groups, with scant assistance available for women. Societies tend to view women and children formerly associated with violent extremist groups as "affiliates" rather than victims, and, in some cases, actions by the authorities have reinforced those suspicions. Local-level officials in Iraq have reportedly designated children as "Da'esh terrorists" on their birth certificates, and, in Libya, Nigeria and Somalia, returning women and girls have been detained as "accomplices". Fear of reprisals has driven renewed displacement, with some survivors relocating to escape abuse by their own family and community. Former abductees have even been forced to choose between keeping their children conceived through rape and returning to their families of origin. To alleviate stigma, concerted engagement with religious and traditional leaders is required to help to shift harmful social norms around honour, shame and victim-blaming.

20. Despite the increased awareness of the issue, most incidents of mass rape continue to be met with mass impunity, as conflict shreds the social fabric and social

contract, subverting the rule of law. To date, not a single member of ISIL or Boko Haram has been prosecuted for offenses of sexual violence. The accumulation of unresolved crimes fuels new cycles of violence, vengeance and vigilantism, which are inimical to reconciliation. The chronic underrepresentation of women in the justice and security sector impedes reporting and response efforts. In some cases, suspects have been released from custody with the collusion of local officials who share their political or ethnic affiliation, and victims have been retraumatized. The practice of mandatory reporting to the police, including as a prerequisite to gaining access to health care, deters survivors from seeking services in several settings. Even where that requirement has been waived in law, the change has yet to be realized in practice. Transitional justice presents a window of opportunity for tackling systemic discrimination, yet structurally transformative reparations continue to elude survivors of sexual violence. It is still challenging to ensure that they are recognized as legitimate victims of war and terrorism, which would guarantee equality before the law and pave the way for meaningful redress. Most cases are referred to customary or traditional courts, including an estimated 90 per cent of cases in Somalia and South Sudan, which often require victims of rape to marry the perpetrator. Thirty-seven countries still exempt perpetrators of rape from prosecution when they are married to, or subsequently marry, their victims. Such practices fail to provide victims with a remedy, prospective perpetrators with a deterrent or society with a precedent for the future.

21. In 2017, some progress was made towards combating cultures of impunity, such as in Afghanistan, Somalia, and the Sudan, where national penal codes were brought into alignment with international standards by delinking rape from adultery. Pursuant to Security Council resolution 2106 (2013), several States continued to implement joint communiqués and action plans to curb conflict-related sexual violence, notably in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Guinea, Iraq, Somalia and South Sudan. In the case of Côte d'Ivoire, whose army was the first party to be delisted pursuant to that mandate, no new cases of sexual violence by members of the Ivorian security forces were recorded in 2017, which illustrates what is possible when political will and comprehensive risk mitigation measures are put into place. Progress was noted in the Democratic Republic of the Congo, where two emblematic cases were prosecuted in 2017: a colonel of the Forces armées de la République démocratique du Congo (FARDC) was convicted for the war crimes of rape and pillage affecting 150 civilians in Musenyi, South Kivu; and a member of Parliament in South Kivu was convicted of a crime against humanity for his role in the abduction and rape of 39 children in Kavumu. In South Sudan, trials of Sudan People's Liberation Army (SPLA) soldiers for the rape and gang rape of humanitarian workers at the Terrain hotel compound commenced, although no senior commanders had been indicted. In June, in a landmark ruling in the case concerning Bosco Ntaganda, the International Criminal Court decided that international humanitarian law did not contain a general rule that categorically excluded members of an armed group from protection against crimes, including crimes of rape or sexual slavery, committed by members of the same armed group. In addition, the Court continued its hearings on reparations for victims of sexual violence in the case concerning Jean-Pierre Bemba.

22. Transitional justice must help to address the underlying causes of conflict and crises. As I have emphasized since the start of my tenure, the international community spends far more time and resources responding to crises than preventing them. It is critical to rebalance our approach by upholding human rights, ensuring sustainable development and harnessing the power of the participation of women, which makes peace agreements more durable, societies more resilient and economies more dynamic. As part of the 2030 Agenda for Sustainable Development, we must address the structural drivers of conflict and build stable, equitable societies by reinforcing

institutions that uphold the rule of law. My Special Representative Pramila Patten took office in June and has since articulated a three-pillar priority strategy that aligns with that approach, namely: (a) converting cultures of impunity into cultures of deterrence; (b) addressing structural gender-based inequality as the root cause and invisible driver of sexual violence in times of war and peace; and (c) fostering national ownership and leadership for a sustainable, survivor-centred response that empowers civil society and women's rights defenders. Many of the atrocities enumerated in the present report could have been prevented if more had been done, early and collectively. I therefore urge the international community to give that agenda the investment and action it deserves, so as to replace horror with hope.

## III. Sexual violence in conflict-affected settings

### Afghanistan

23. Reporting of and response efforts to sexual violence across Afghanistan remained limited, owing to instability, inadequate services, access constraints, discriminatory cultural practices and a climate of impunity in which those who defend women's rights face threats from the Taliban and other anti-Government elements. In 2017, the United Nations Assistance Mission in Afghanistan (UNAMA) documented 53 cases of sexual violence against women and girls, of which 3 were verified as conflict-related sexual violence committed by members of illegal armed groups and the local police. UNAMA also verified four cases of sexual violence against boys, three by members of the Afghan National Defence and Security Forces and one by members of the Taliban, including incidents of *bacha bazi*, a practice involving the sexual abuse of boys by men in positions of power. UNAMA received a further 78 credible allegations of *bacha bazi* that could not be verified due to the sensitivities involved. Efforts led by the Afghanistan Independent Human Rights Commission resulted in the criminalization of the practice in the revised Penal Code, which entered into force in February 2018. The revised legislation also incorporates provisions that bring the definition of rape closer to aligning with international standards, rectifying the prior conflation of rape with adultery, which had discouraged reporting.

24. With regard to response, a major challenge is that women still comprise just 1.8 per cent of the Afghan National Police. In October, the Ministry of Interior Affairs inaugurated separate station facilities, including interview rooms, for female officers in Herat and Kabul as part of efforts to recruit and retain more women. The Ministry has also taken steps to develop a complaints mechanism for reporting sexual harassment, assaults and threats against female officers. Following the 2015 launch of its national action plan on Security Council resolution 1325 (2000), the Government tabled a budget for implementation that includes measures to address sexual violence.

*Recommendation*

25. I urge the Government to reinforce the capacity of its justice and security sector to provide accountability for crimes of sexual violence, including by vetting the armed and police forces for suspected perpetrators and increasing the representation of women. I further call upon the Government to allocate adequate resources for the implementation of its national action plan and to put into place comprehensive measures to implement its revised Penal Code.

### Central African Republic

26. As insecurity spread to previously stable regions of eastern Central African Republic during 2017, conflict-related sexual violence also increased in severity and

scale. Armed clashes propelled mass population movements, including across the border to the Democratic Republic of the Congo, with numerous cases of sexual violence occurring during flight. Internally displaced persons number more than 688,000 nationwide, with armed elements posing a threat to civilians in the camps due to the absence of Government personnel to manage and secure the sites. Sexual violence employed as a tool of intimidation, retaliation and punishment, in order to terrorize entire families and communities, have been reported with shocking regularity. Patterns of sexual violence of an ethnic and sectarian nature impede the mobility needed for women to undertake vital economic and livelihood activities, such as gaining access to fields and markets. The rape of men and boys has also been a feature of attacks by armed groups on civilian villages, such as in Nana-Grébizi or in Basse-Kotto where 13 men were raped. Children conceived through rape are rarely accepted by society, and unsafe abortion remains a leading cause of maternal mortality.

27. During the reporting period, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) documented 308 incidents of conflict-related sexual violence, affecting 155 women, 138 girls (including 48 recruited by armed groups), 13 men and 2 boys. Those incidents included 253 rapes, of which 181 were gang rapes, five attempted rapes, 28 forced marriages, 2 cases of sexual slavery and 20 cases of other sexual assault. The perpetrators included elements of ex-Séléka (179 cases), anti-balaka (55), the Lord's Resistance Army (14) and Retour, réclamation et réhabilitation (12). A member of the armed forces of the Central African Republic was also implicated in one incident. The 179 cases attributed to ex-Séléka elements included: 36 cases perpetrated by the coalition of the Front populaire pour la renaissance de la Centrafrique (FPRC) and the Mouvement patriotique pour la Centrafrique (MPC); 29 by the coalition of MPC and Révolution et justice (RJ); 39 by Union pour la paix en Centrafrique; 17 by MPC; 14 by the Front démocratique du peuple centrafricain; nine by FPRC; one by the Rassemblement patriotique pour le renouveau de la Centrafrique; one by RJ; and 33 by unspecified elements.

28. Humanitarian service providers assisted 272 survivors of rape perpetrated by parties to the conflict. In the face of the virtual collapse of the public health system, most medical and psychosocial support services are provided by non-governmental organizations. The scarcity of services is compounded by poor infrastructure, including limited transportation, which poses particular challenges for women in remote, rural areas. As a consequence, only 36 per cent of registered victims were able to gain access to emergency assistance within 72 hours of the incident. Of the victims of rape receiving care, 98 per cent of the adults were women and 99 per cent of the children were girls. In 2017, the United Nations Children's Fund and partners helped to secure the release of 3,419 children (1,090 girls and 2,329 boys) from armed groups, with most of the forcibly-recruited girls reporting incidents of sexual abuse. Girls associated with armed groups who return home pregnant or with children are often rejected by their communities, forcing many to turn to sex work as a means of survival. In some cases, stigmatization is itself a driver of displacement: two girls from Haute-Kotto who became pregnant as a result of rape were forced to relocate to different districts to escape abuse by their families. Instability has also perpetuated child marriage as a perceived means of protecting girls from sexual violence.

29. In August, the United Nations registered the first case in which members of a party to the conflict were convicted for crimes of sexual violence, namely, two anti-balaka elements for the rape of a 16-year-old girl in Bambari. Although their public trial sends an important message, they received lenient sentences of two years' imprisonment and a fine. MINUSCA conducted sensitization sessions with ex-combatants, local authorities and community members to raise awareness of the

gravity of sexual violence. The Government has accelerated efforts to activate the special criminal court established in law in 2015 through the appointment of national and international staff. President of the Central African Republic Faustin Archange Touadera inaugurated the joint rapid intervention unit on sexual violence in June 2017, which has since addressed 254 complaints.

*Recommendation*

30. I encourage the Government to ensure the provision of medical, psychosocial and legal support services to survivors of conflict-related sexual violence and to provide the means necessary, including a dedicated budget, to strengthen the capacity of the joint rapid intervention unit on sexual violence to investigate cases, working in collaboration with the prosecutor of the special criminal court. I call upon the Government to prioritize the investigation and prosecution of cases of sexual violence, including the provision of adequate protection for victims and witnesses.

**Colombia**

31. In November 2016, negotiations between the Government of Colombia and the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP) culminated in a historic peace accord, marking the close of half a century of conflict between the parties, a conflict in which sexual violence was widespread and systematic. Gender justice was placed at the heart of the agreement, which includes 100 provisions on gender and women's rights, a number of which specifically address conflict-related sexual violence. The agreement names the Office of my Special Representative, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Government of Sweden and the Women's International Democratic Federation as parties supporting implementation. In its resolution 2366 (2017) of 10 July 2017, the Security Council authorized the creation of the United Nations Verification Mission in Colombia to oversee the next phase of implementation, including monitoring the political, economic and social reintegration of FARC-EP. Efforts have been made to ensure that all monitors and observers are trained on matters relating to gender and conflict-related sexual violence. In October 2017, a ceasefire was agreed upon between the Government and the Ejército de Liberación Nacional, as well as a mechanism for monitoring, oversight and verification, the terms of which include an annex on gender mainstreaming and a road map for responding to sexual violence, although talks have since been suspended.

32. Colombia has a robust normative framework, although gaining access to justice remains a challenge. In 2017, the national victims' unit registered 24,576 victims of conflict-related sexual violence, of which one third had received compensation. Although that level of reparative justice for sexual violence perpetrated in wartime is unprecedented globally, administering collective reparations remains difficult owing to the large number of victims concerned and the challenge of identifying victims in ways that are non-prejudicial. Regarding efforts to promote accountability, by the end of 2017, the Office of the Attorney-General had issued indictments in 17 per cent of cases of sexual violence, 5 per cent of which resulted in convictions, including three criminal sentences for conflict-related sexual violence perpetrated by members of the Autodefensas Gaitanistas de Colombia.

33. Despite positive steps towards consolidating peace, sporadic violence continued to displace thousands of civilians in 2017, most of them women and children (70 per cent), with Colombians of African descent and indigenous communities disproportionately affected (73 per cent). Sexual violence continued to be a driver of forced displacement. In one illustrative incident, a displaced woman from Arauca province was forcibly taken across the border to the Bolivarian Republic of Venezuela where she was raped by members of an armed group who had been threatening her

and demanding money. Upon her release, she fled to a new location in search of safety. Women's rights defenders who are Colombians of African descent and indigenous persons have been forced to flee their homes following threats of sexual violence. Women community leaders, especially those who denounce gender-based violence, face threats, attacks and sexual assaults by members of armed groups. Illegal economic activity continues to fuel the conflict and the heightened risk of sexual violence. In response to the demand for sexual services by certain armed groups, drug trafficking cartels have facilitated the sexual exploitation of women and girls. Criminal networks, primarily involved in illicit mining activities, have also trafficked indigenous women and girls internally and across borders for the purpose of forced prostitution. In 2017, the early warning system of the Office of the Ombudsman issued 22 reports on the elevated risk of conflict-related sexual violence, including two cases of the cross-border trafficking of Venezuelan women.

34. Official statistics indicate that 73 per cent of victims of rape are girls, often leading to teenage pregnancy and school dropout. Girls between 12 and 16 years of age were subjected to targeted rape threats by members of the post-demobilization groups Autodefensas Gaitanistas de Colombia and Clan del Golfo, in four departments in the west of the country. The United Nations verified the sexual abuse of two civilian men by members of a post-demobilization group in Putumayo province in 2017, although male survivors are generally reluctant to seek support for fear of reprisals. Lesbian, gay, bisexual, transgender and intersex persons have also been harassed by armed actors, but rarely report sexual or other abuse. In the report of September 2017, the Ombudsman noted the risk of sexual violence in and around FARC-EP demobilization sites, also noting that women ex-combatants had suffered domestic and intimate partner violence, which underscores the importance of having a gender-responsive policy on disarmament and reintegration.

*Recommendation*

35. I commend the parties on elevating gender to the heart of the peace process and urge them to ensure that it remains central during implementation, including by strengthening institutional capacity and fostering broad social ownership of the gender-related provisions of the agreement. I urge the Government to ensure services, justice and reparations for survivors of conflict-related sexual violence, paying particular attention to the plight and rights of women and girls from rural areas, indigenous communities, Colombians of African descent, lesbian, gay, bisexual, transgender and intersex individuals and female-headed households. I urge relevant parties to ensure that gender and conflict-related sexual violence are central considerations in the Ejército de Liberación Nacional peace process.

**Democratic Republic of the Congo**

36. The progress achieved in the Democratic Republic of the Congo in addressing the decades of widespread sexual violence used as a tactic of war has been jeopardized in recent months by an unstable political environment, unprecedented levels of displacement, continued armed clashes and weak State structures. Alarming patterns of ethnically-motivated sexual violence emerged in Tanganyika province, arising from the perceived marginalization of the Twa ethnic group, which has set in motion cycles of violence and revenge between Twa and Luba militias. In 2017, Twa militia in Tanganyika were responsible for the highest number of documented cases of sexual violence perpetrated by a non-State armed group. Conflict-related sexual violence perpetrated with extreme brutality has also spread to the three Kasai provinces. In that context, anti-Government Kamuina Nsapu militia and pro-Government Bana Mura militia have both targeted civilians believed to support their adversaries. Deliberate attacks against communities along ethnic fault lines have included the use

of taboo practices, such as victims being raped in front of relatives, a pregnant woman having her fetus ripped out and at least one victim being forced to perform sex acts on a family member before being executed. In April, Bana Mura militants raped 41 women and two girls in a series of attacks on Lulua and Luba villages.

37. During the period under review, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) verified 804 cases of conflict-related sexual violence, affecting 507 women, 265 girls, 30 men and 2 boys, representing an increase from the previous reporting period. During the same period, the United Nations Population Fund (UNFPA) reported 5,783 cases of sexual violence in conflict-affected provinces, more than twice as many as in 2016. Approximately 72 per cent of cases were attributed to non-State armed groups, notably Twa militia in Tanganyika and the Force de résistance patriotique de l'Ituri (FRPI) operating in Irumu territory in Ituri. More than half of the sexual assaults by FRPI involved multiple attackers, and 40 per cent of incidents were perpetrated in conjunction with looting, pillage and theft.

38. There was an increase in the number of incidents attributed to both FARDC (28 per cent) and the Congolese National Police (109 per cent) in 2017. Over one third of those sexually assaulted by members of the national police were being detained in police custody at the time. A significant proportion of the victims were children, in 41 per cent of offences perpetrated by members of FARDC and in 42 per cent of those perpetrated by national police officers. Despite recent developments of concern, the overall number of incidents of conflict-related sexual violence by elements of the State security apparatus has declined since 2013, following concerted efforts by the authorities. The FARDC hierarchy has continued to implement its action plan, resulting in undertakings being signed by 57 commanders and 370 officers being trained, although disciplinary action against high-ranking offenders is uneven. Implementation of the national police action plan is also advancing slowly.

39. The military authorities in South Kivu successfully prosecuted three emblematic cases of conflict-related sexual violence in 2017, which included the conviction of a FARDC colonel in the *Becker* case for command responsibility for rape as a war crime in Musenyi, a commander in the Forces démocratiques de libération du Rwanda for sexual violence as a war crime in the *Nzovu* case and a member of Parliament in South Kivu and his militia of a crime against humanity for the abduction and rape of 39 children in the *Kavumu* case. In addition, commander Ntabo Ntaberi Sheka surrendered to the authorities in July and is expected to stand trial for his role in the 2010 mass rape of 387 civilians in Walikale, North Kivu. Overall, 42 members of FARDC and 17 members of the national police were convicted by military tribunals of rape, although bureaucratic hurdles preclude victims from obtaining reparations.

40. Medical assistance was provided to over 5,200 survivors of sexual violence by United Nations agencies in 2017, with a further 2,243 civilians receiving counselling and referrals in legal clinics supported by MONUSCO. The Government made significant progress in its advocacy and outreach to raise awareness of sexual violence, through radio and television programmes, and by operating a nationwide helpline for victims. In July 2017, the Deputy Secretary-General, the Under-Secretary-General/Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women, my Special Representative and the Special Envoy of the Chairperson of the African Union Commission on Women, Peace and Security jointly visited Goma to highlight the importance of the participation of women in peace, security and development processes and the necessity of safe and dignified return for displaced women under conditions that guarantee their economic and physical security.

*Recommendation*

41. I urge the Government to reinforce its efforts to combat sexual violence and to scale up services, including socioeconomic reintegration support for displaced and returnee women. I call for the armed and security forces to be adequately vetted and trained, to uphold a policy of zero tolerance of such violence by bringing offenders to justice, irrespective of rank, and to ensure that victims and witnesses are protected and that adequate reparations are made to victims.

**Iraq**

42. The liberation of Mosul, Tall Afar and other areas from the control of ISIL in 2017 marked a major milestone for Iraq and the region. Government data indicate that 100 Yazidi and Christian women and children were rescued during the operation in Mosul in July, with a further 25 freed following the operation in Tall Afar, which ended in August. Turkmen Shi'a women and girls were also reportedly rescued during those offensives. Sunni women and girls living under ISIL occupation also endured forced and coerced marriages, in which rape was used as a weapon of punishment for disobeying ISIL rules. Overall, as at November 2017, 3,202 civilians (1,135 women, 903 girls, 335 men and 829 boys) had been released from ISIL captivity, while a further 3,215 (1,510 women and girls and 1,705 men and boys) remain missing.

43. The United Nations verified nine cases of conflict-related sexual violence during the period under review, affecting seven girls and two boys. It included forced marriage to ISIL fighters in the cases involving girls and abduction in the cases concerning boys, with a 16-year-old boy being held by an armed actor suspected of ISIL affiliation who severely beat his genitals and threatened him with other forms of sexual assault and a 14-year-old boy who was raped for three consecutive nights in an ISIL training camp. As ISIL militants retreat into the Syrian Arab Republic, there is a heightened risk of the sale, trade and trafficking of women and children who remain under their control. Concerns have also been raised about a practice of local officials registering children on their birth certificate with the designation "ISIL terrorist" on the basis of assumptions about their parentage.

44. Following the appointment of a senior women's protection adviser in February, monitoring, analysis and reporting arrangements on conflict-related sexual violence were established to expand the evidence base for action. The United Nations continues to support the Government in building its capacity for the timely delivery of multisectoral services for survivors of sexual violence, including scaling up the provision of psychosocial, medical and legal assistance in areas with a high concentration of internally displaced persons. The Office of the United Nations High Commissioner for Refugees (UNHCR) has supported a relocation programme, through which 844 survivors of conflict-related sexual violence and members of their family were referred for resettlement. Progress has also been made in advancing the implementation of the joint communique on the prevention and response to conflict-related sexual violence signed between the Government and the United Nations on 23 September 2016. Prime Minister of Iraq Haider Al Abadi issued a statement on 19 June 2017 to mark the International Day for the Elimination of Sexual Violence in Conflict, underscoring his commitment to the full implementation of the communiqué. Pursuant to that agreement, the Government is working to ensure that a gender perspective is included in its national counter-terrorism strategy. My Special Representative visited Iraq in February 2018 to finalize an implementation plan for the communiqué in consultation with high-level focal points in Baghdad and Erbil.

45. Justice and reparations for crimes of conflict-related sexual violence, which particularly affected women and girls belonging to ethnic and religious minority groups pursuant to the ISIL policy to suppress, expel or destroy those groups, will be

critical to both intracommunal and intercommunal reconciliation. Currently, trials are being conducted under antiterrorism legislation, which does not explicitly designate sexual violence as a crime. Moreover, international crimes are not yet reflected in national law. The investigative team to be established by the Secretary-General pursuant to Security Council resolution 2379 (2017) is expected to play an important role in supporting national efforts to hold ISIL to account. Another challenge is the continued underreporting of sexual violence, owing to insecurity, fear of retaliation and the prevailing context of gender inequality and harmful social norms relating to "family honour", compounded by the presumption of "guilt by association" facing women and girls forcibly married to ISIL fighters. Negative coping mechanisms have been adopted in situations where survivors are deprived of the material support of their families, including early marriage, in particular in displacement settings. Declarations by Yazidi and Sunni spiritual leaders that encourage solidarity with survivors of rape and children conceived as a result have helped to foster family reunification. One such example is the ruling of the Sunni Endowment Diwan on Islam's position on raped women of February 2017. Conversely, amendments proposed in November 2017 to the Personal Status Law No. 188 (1959) to authorize polygamy and lower the age of marriage sparked national and international concern, before being quashed by the women's parliamentary committee.

*Recommendation*

46. I call upon the Government to ensure that offenses of sexual violence are prosecuted as standalone crimes, including in the context of terrorism trials, and that services, including shelters operated in collaboration with women's civil society groups, are protected and scaled up as part of efforts to ensure the socioeconomic reintegration of women and children released from ISIL captivity and to refrain from recording prejudicial information on birth certificates.

**Libya**

47. Libya remains at the epicentre of the global migration crisis, while also being affected internally by instability, political fragmentation and the proliferation of arms and armed groups. That volatile climate has allowed transnational smuggling and trafficking networks to thrive. Patterns of sexual violence against migrants, refugees and asylum seekers, perpetrated not only by smugglers, traffickers and criminal networks, but also by police and guards associated with the Ministry of the Interior in some cases, have been documented. The Department of Combating Illegal Migration and the coastguard have also been implicated in violations. Cases of sexual assault have been documented in the internal security apparatus in Kuwayfiah, under the command of Colonel Mohammad Idriss al-Seaiti (see S/2017/466). In such settings, migrants have described being taken by armed men, including Department guards, from their shared cells to be repeatedly raped by multiple perpetrators. Testimonies also indicate that migrant women have been abducted, raped and detained by armed groups, with some released following the payment of ransom and others sold into sexual slavery. In October 2017, a Somali national was convicted by a court in Italy of multiple crimes against migrants in Bani Walid, including sexual violence. In September 2017, following international pressure over alleged sexual abuse, the Department announced the closure of a notorious detention centre in Surman. The Tariq al-Sikkah detention centre was also closed, following similar allegations, although none of the abusers have been brought to justice. In some detention centres, in particular those in which men, women and children were not detained separately, women have been subjected to strip searches under the scrutiny of male guards. In 2017, the United Nations Support Mission in Libya (UNSMIL) documented cases of ill treatment, including threats of a sexual nature, at the Mitiga detention facility operated by the Special Deterrence Force and the Central Security - Abu Salim brigade

and at other locations formally under the control of the Ministry of the Interior. Sexual violence has also reportedly been used as a form of torture against men in detention centres operated by armed actors.

48. Groups known to have pledged allegiance to ISIL have been implicated in abductions and sexual abuse. Libyan authorities have detained a number of women and girls rescued from ISIL captivity, often held in precarious conditions. Following military operations in Sirte against fighters loyal to ISIL, at least 117 Libyan and foreign women, including many who had endured physical and sexual abuse, were taken into the custody of the security forces in Misratah and transferred to Jawwiyah prison in December 2016. Of those women, 31 were released in April 2017, having been cleared of terrorism charges by a prosecutorial committee. The remainder continue to be held arbitrarily, without judicial review. UNSMIL has received reports of physical and sexual abuse of women held in Jawwiyah prison.

49. Women's rights defenders and women active in public life continue to be targeted by non-State armed groups and subjected to sexual and other abuse, including by the Libyan National Army. Women and girls accused of engaging in sexual relations outside of marriage, which is criminalized in Libya, have been subjected to invasive "virginity tests" pursuant to judicial orders. In September 2017, UNSMIL supported a women's forum on constitutional and legislative reform, which produced a draft law criminalizing all forms of violence against women.

*Recommendation*

50. I call upon the authorities to take measures to mitigate the risk of sexual violence in detention settings, inter alia, by staffing women's facilities with female guards and allowing humanitarian access. In line with Security Council resolution 2331 (2016), those who escape from ISIL captivity should not be presumed to be accomplices without credible evidence, but rather be supported as victims of terrorism. I further call upon the authorities to cooperate with the International Criminal Court, including its investigation into sexual violence, and to prosecute perpetrators of sexual violence and deliver reparations to victims, in line with Decree No. 119 (2014) of the Council of Ministers concerning recognition of victims of sexual violence as victims of war, which allows for reparations, healing and legal support.

**Mali**

51. The precarious security situation in the northern and central regions of Mali, where threats continue to be directed against peacekeepers, national security forces and humanitarian actors, impedes efforts to investigate conflict-related sexual violence. Many survivors suffer in silence, due to the scarcity of services and the lack of trust in national institutions. Cultural taboos, compounded by the fear of stigmatization and reprisal, also perpetuate underreporting. Many women and girls remain traumatized by the Islamist occupation of 2012–2013, during which rape and forced marriage were rampant. Impunity prevails in the northern regions, where there is no functioning justice system. In addition to its internal security challenges, Mali has become a transit point for migratory flows, with numerous violations reported along migration routes, as well as in mining zones, where women have been abused by smugglers and forced into prostitution.

52. In 2017, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) documented 16 cases of conflict-related sexual violence, most of which concerned women and girls traveling by public transportation on the axis connecting key regions of Gao, Timbuktu, Ménaka, Mopti and the Niger border. Of those cases, eight were committed by unidentified armed men, one by a member of the Haut Conseil pour l'unité de l'Azawad (HCUA), three by elements of the

Coordination des mouvements et fronts patriotiques de resistance II, two by elements of the Mouvement pour le salut de l'Azawad and two by members of the Malian Defence and Security Forces. The cases involved 11 incidents of rape and five incidents of gang rape in Gao, Timbuktu, Ménaka and Mopti. Two of the victims were members of the Bella ethnic minority group, adding to the 10 cases of sexual violence reported against Bella women in 2016 that remain unaddressed. On 7 July in Kidal, the Coordination des mouvements de l'Azawad (CMA) issued a unilateral communiqué on preventing and responding to conflict-related sexual violence, endorsed by the movements that compose CMA, including HCUA, the Mouvement arabe de l'Azawad and the Mouvement national de libération de l'Azawad, the latter of which is listed in the annex to the present report. The Platform coalition of armed groups continued to implement the provisions of its 2016 communiqué on preventing and punishing perpetrators of sexual violence.

53. The United Nations continued to support the development of a national strategy to combat gender-based violence through the provision of technical and financial support to the Government. MINUSMA also facilitated the economic reintegration of survivors of sexual violence through quick-impact projects for income generation. Prevention and response to conflict-related sexual violence was reflected in the framework for the Joint Force of the Group of Five for the Sahel, and areas of cooperation were identified, such as training members of the Joint Force on referral pathways for survivors, including those released from terrorist and trafficking networks. As part of ongoing trust-building measures between women and the members of the justice sector, projects supported by the Peacebuilding Fund in Gao and Timbuktu have helped to increase the rate of reporting gender-based violence to the police from 1 per cent in 2014 to almost 14 per cent in 2017. In recent years, MINUSMA has supported a coalition of non-governmental organizations in bringing to court 120 cases of conflict-related sexual violence perpetrated during the Islamist occupation and the Tuareg rebellion in the north.

*Recommendation*

54. I urge the Government to sign the joint communiqué with my Special Representative, which has been pending since April 2016, in order to enable a more structured response to conflict-related sexual violence, to adopt legislation prohibiting all forms of sexual violence, to provide access to justice and services for survivors and to expand socioeconomic reintegration support. I call upon the Government and the donor community to ensure that sufficient resources are made available to prioritize the investigation and prosecution of cases of sexual violence.

## Myanmar

55. The mass exodus of almost 700,000 Rohingya civilians from Rakhine state in Myanmar, to Cox's Bazar, Bangladesh, created a humanitarian crisis that seized the attention of the world. As documented by international medical staff and service providers operating in Bangladesh, many civilians bear the physical and psychological scars of brutal sexual assault. The assaults were allegedly perpetrated by members of the Myanmar Armed Forces (Tatmadaw), at times acting in concert with members of local militias, in the course of the military "clearance" operations in October 2016 and August 2017 characterized by the United Nations High Commissioner for Human Rights as "ethnic cleansing". The widespread threat and use of sexual violence was integral to their strategy, humiliating, terrorizing and collectively punishing the Rohingya community and serving as a calculated tool to force them to flee their homelands and prevent their return. Violence was visited upon women, including pregnant women, who are seen as custodians and propagators of ethnic identity, as well as on young children, who represent the future of the group.

The violence is linked with an inflammatory narrative alleging that high fertility rates among the Rohingya community represent an existential threat to the majority population. When my Special Representative visited camps and settlements in Cox's Bazar in November 2017, she heard accounts from almost every woman and girl of patterns of rape, gang rape, forced nudity and abduction for the purpose of sexual slavery during military campaigns of slaughter, looting and the razing of homes and villages. She also received first-hand testimony of women having been subjected to invasive body searches, including vaginal searches, performed by male security officers, ostensibly to look for valuables and documentation, and to sexual harassment during house-to-house searches. In its resolution S-27/1 of 5 December 2017, the Human Rights Council expressed grave concern at consistent allegations of widespread sexual violence, including rape and gang rape. In its resolution 72/248 of 24 December 2017, the General Assembly expressed its deep distress about the excessive and unlawful use of force in Myanmar, including sexual violence. Moreover, paragraph 6 of the arrangement on the return of displaced persons from Rakhine state, agreed upon between the Governments of Myanmar and Bangladesh on 23 November, refers to "children born of unwarranted incidents", which implies children conceived through rape. My Special Representative visited Nay Pyi Taw and Yangon, Myanmar, in December where she met with the State Counsellor and senior military officials, with a view to generating commitments to address conflict-related sexual violence in line with Security Council resolution 2106 (2013), and following the presidential statement of 6 November 2017 (S/PRST/2017/22), which encouraged the Government to work with the Office of the Special Representative.

56. The United Nations verified the following specific and indicative cases of conflict-related sexual violence perpetrated during the military "clearance" operations in northern Rakhine: seven rapes reportedly perpetrated by Tatmadaw elements in Buthidaung on 4 and 5 May; the rape of 32 Rohingya women and one girl, allegedly by the Tatmadaw and border guard police, also in Buthidaung, as part of perceived "punitive operations"; the rape of a girl by a Tatmadaw soldier in Maungdaw in January; 30 girls subjected to sexual violence by Government forces during military operations; and one girl allegedly raped by a member of the Arakan Rohingya Salvation Army. In early 2017, Tatmadaw soldiers allegedly raped a 16-year-old girl and her 20-year-old sister during operations in Maungdaw. After mentioning the incident to visiting journalists, she was arrested and forced to undergo a medical examination. On 30 August, a report was received of the alleged arbitrary detention and rape of several women in the village of Maung Nu in Buthidaung township. Three girls who reported sexual violence were provided with case management services in northern Rakhine, as well as four children who were victims of sexual assault, in central Rakhine. The prevailing security environment precludes more complete documentation, given the climate of impunity, intimidation, reprisals and access restrictions.

57. Women and girls who manage to flee to Bangladesh may confront new risks, including forced marriage, sexual exploitation and trafficking. Humanitarians have provided services to 2,756 survivors of sexual and gender-based violence, although 47 per cent of settlement areas still lack basic clinical management services for survivors of rape and other forms of sexual and reproductive health care. Despite the urgency, the immediate funding gap for the provision of those services exceeds $9 million. The "women- and child-friendly spaces" provide a lifeline for survivors and those at risk, fostering peer support and solidarity, in a setting where men have the monopoly on leadership, decision-making and public space, with all imams and Rohingya community leaders (or *majhis*) being men. Moreover, educational and employment opportunities are extremely limited in the camps, even though they are critical for offsetting the disillusionment and despair that can give rise to alcohol and

substance abuse, criminality, communal tensions and radicalization, which are risk factors for gender-based violence.

58. Other ethnic minority groups were also affected by conflict-related sexual violence in 2017, linked with intensified clashes and militarization in regions such as Kachin, northern Shan and parts of the south-east. More than 98,000 civilians live in displaced persons camps in Kachin and northern Shan states, with reports of high levels of harassment at checkpoints by members of both the military and ethnic armed groups. Trafficking and sexual slavery remain serious risks facing women and girls in those locations. In Kachin, 10 cases of rape of internally displaced minors were reported, including one incident involving the Tatmadaw and another involving the Kachin Independence Army. Reports of the trafficking of six women for purposes including forced marriage, rape and sexual exploitation were also reported in Kachin. In northern Shan, a report surfaced of a rape allegedly committed by two members of the Ta'ang National Liberation Army in October 2017. In the south-eastern region of Tanintharyi, a Tatmadaw soldier who allegedly raped a 16-year-old girl in April 2017 absconded and has been missing since the incident.

59. Such patterns of violence occur against a backdrop of entrenched gender-based inequality, which impedes the ability of women to participate in political, economic and social life. In 2017, the Government took several significant steps to address this, such as drafting a law on prevention of violence against women for submission to parliament, constituting a cross-ministerial committee to implement the national strategic plan for the advancement of women, establishing a gender-based violence hotline and revising the Child Law to include a provision on conflict-related sexual violence. Concerns remain about the mandatory reporting to the police of cases of sexual violence by service providers, an obligation that was waived in law in 2014 but persists in practice, inhibiting many from seeking support.

*Recommendation*

60. I commend the Government of Bangladesh for providing refuge to the Rohingya community and encourage the international community to support its efforts to meet the needs of both refugees and host populations. I acknowledge the agreement between the Governments of Bangladesh and Myanmar to ensure that any returns of refugees to their places of origin or choice will be safe, voluntary, dignified, sustainable and based on informed consent and urge the parties to ensure engagement with UNHCR and specific consultations with women. I urge the Government of Myanmar to create conditions conducive to safe return and peaceful coexistence, by prosecuting suspected perpetrators of sexual and other violence, training its armed and security forces on international humanitarian and human rights law, granting unfettered access to service providers for the delivery of medical, psychosocial and reproductive health care and to human rights monitors, including OHCHR, the Special Rapporteur and the independent international fact-finding mission established pursuant to Human Rights Council resolution 34/22, and ensuring the equal rights of all minority groups, women and girls. Further to the visit of my Special Representative to Myanmar in December 2017, I call upon the authorities to agree upon a joint communiqué with the Office of the Special Representative.

**Somalia**

61. Protracted conflict in Somalia continues to expose women and girls to a heightened risk of sexual violence, in particular those who are internally displaced or returnees located in areas controlled by Al-Shabaab, and members of minority clans. That risk is exacerbated by entrenched gender inequality, weak social cohesion and limited access to justice. Of the three justice systems of Somalia, namely, statutory law, sharia and a system of customary practices known as *xeer*, most cases of sexual

violence continue to be handled according to *xeer*, which focuses on the clan rather than the survivor. That often results in double victimization for survivors, who may be forced to marry their assailant, while imposing no sanctions to deter future crimes, apart from a nominal fine paid to the victim's male relatives. In response, the Government has developed a policy on traditional dispute resolution, which aims at addressing practices that discriminate against women and encouraging the bringing of cases of sexual violence before the courts.

62. In 2017, the United Nations verified cases of conflict-related sexual violence perpetrated against 329 girls and 1 boy, attributed to unknown armed actors (125), Al-Shabaab (75), Southwest State forces (26), Jubbaland forces (28), unidentified clan militia (19), Galmudug forces (5), Puntland forces (3), Ahl al-Sunna wal-Jama'a (1), Somali Police Force (1), Ethiopian Liyu Police (10) and the Somali National Army (37). Three members of the national armed forces who raped an 11-year-old boy have since been arrested. The following patterns have emerged regarding conflict-related sexual violence: it disproportionately affects displaced women and girls from marginalized groups; most perpetrators are described as men in military uniform; most cases involve rape or gang rape, with forced marriage continuing to be perpetrated by Al-Shabaab; the perpetrators are rarely investigated; and survivors generally do not receive assistance to support their recovery. The United Nations received reports of women and girls being trafficked by Al-Shabaab from the coastal regions of Kenya to Somalia, where they were forced into sexual slavery, having been deceived by false promises of work abroad. Some of those women were reportedly held as sex slaves, while others were forced to become the "wives" of insurgents. Many of the forced "wives" and their children are deeply traumatized, yet reluctant to seek assistance for fear of persecution. Public recrimination by the authorities has exacerbated the stigma faced by current and former wives of Al-Shabaab and their children. On 9 May, police in Baidoa, Southwest State, registered the wives of Al-Shabaab militants and asked them to leave the camp where they lived. On 10 May, the District Police Commissioner confirmed that a group of wives of Al-Shabaab had been summoned by the police and told to either persuade their husbands to surrender or to leave the area. On 29 July, the Security Minister of Jubbaland, on national television, threatened to expel "Al-Shabaab wives and children" from Government-controlled towns, describing them as "enemies of the State" for allegedly providing intelligence to the insurgency.

63. The United Nations Assistance Mission in Somalia, in partnership with the International Organization for Migration, supported the Government in providing rehabilitation for women formerly associated with Al-Shabaab. The pilot project involved the provision of accommodation, food, health care and security for 19 women and their dependants, as well as reintegration support, including vocational training and business start-up grants. Upon completion of the pilot, the safe house for women closed due to lack of funds. There are three rehabilitation centres for men who have disengaged from Al-Shabaab, but no comparable facilities for women. Some positive developments during the reporting period included the following: efforts by the Government to accelerate implementation of the national action plan on ending sexual violence; in August, the Chief of Defence Forces of the Somali National Army issued a command order including the prohibition of sexual violence and affirming a policy of zero tolerance of such crimes; and, in September, Somalia established its first forensic laboratory, which is critical to effective prosecution, given that many rape cases are dropped or referred to traditional justice mechanisms due to lack of evidence. The Government has expanded legal aid, established mobile courts, and invested in building prosecutorial capacity. The national police have established a Woman and Child Protection Unit, and the Office of the Attorney-General has developed a policy on the prosecution of sexual offences, which incorporates a survivor-centred approach.

*Recommendation*

64. I reiterate my calls for the Government to enact the sexual offences bill, which will classify sexual violence as a crime against the victim rather than a "crime against morality", and to strengthen reporting mechanisms to enable prosecutions. I encourage the Government to implement its national action plan to combat sexual violence, through training, accountability and oversight of the security sector. I urge the authorities to ensure that women and children separated from Al-Shabaab receive support as victims, rather than being collectively treated as threats.

**South Sudan**

65. During the hostilities that erupted in Juba in July 2016 and engulfed other regions of South Sudan, and in the aftermath, attacks on civilians included widespread and systematic sexual violence employed as a tactic of war, with marked political and ethnic undertones. That trend continued unabated throughout 2017. In almost all recorded cases, the perpetrators and victims came from rival ethnic groups, with the physical violence often accompanied by verbal insults levelled against victims on the basis of their identity and presumed allegiance. According to the Commission on Human Rights in South Sudan (A/HRC/37/71), appalling acts of rape, mutilation of sexual organs and other forms of sexual violence were perpetrated against women, girls, men and boys, often in front of relatives, in order to humiliate victims, families and entire communities, or as a form of punishment in detention settings. The proliferation of militias with ready access to arms increased the rate of sexual violence, including as a driver of displacement. By the end of 2017, there were almost 2 million civilians displaced in South Sudan, including 209,898 living in sites for the protection of civilians managed by the United Nations Mission in South Sudan (UNMISS). An additional 2 million civilians had fled across the border, with the risk of sexual violence exacerbated during flight, because elements of the security forces, militias and roving bands of armed young people were preying upon women and girls. Social stigma and community pressure perpetuate the silence surrounding such crimes, which can result in wives being shunned by their husbands and girls being withdrawn from school. An estimated 90 per cent of disputes are referred to traditional mechanisms, which may order victims to marry their attackers.

66. In 2017, UNMISS documented 196 cases of conflict-related sexual violence, affecting 128 women and 68 girls. The incidents involved rape (88), gang rape (63), abduction for the purpose of sexual assault (31) and attempted rape (14). The decrease in reported incidents, from 577 verified in 2016, is ascribed to the severely restricted access to conflict zones. Moreover, UNMISS was unable to verify violations suffered by persons who relocated to other regions or to third countries. The attacks were attributed to SPLA (67), the pro-Taban Deng Sudan People's Liberation Army-in-Opposition (SPLA-IO) (4), the pro-Machar SPLA-IO (7), the South Sudan National Liberation Movement (SSNLM) (1), the South Sudan People's Patriotic Front (SSPPF) (2), militia allied to SPLA (5), militia allied to SPLA-IO (4), the South Sudan National Police Service (1), with the remainder attributed to unidentified gunmen. None of the incidents have been prosecuted to date.

67. Since 2014, successive commitments, ceasefire agreements, command orders and communiqués have been signed, including to prevent and punish sexual violence, and the United Nations continues to engage with the parties to encourage compliance, which remains at a vastly insufficient level. Therefore, as noted in my special report on the renewal of the mandate of UNMISS (S/2018/143), it is my intention to further strengthen accountability. The working group of the United Nations and the Government on the implementation of the joint communiqué on sexual violence met regularly throughout 2017, including to design an implementation plan with the

national security forces. UNMISS, in collaboration with the Team of Experts, facilitated training for 310 members of SPLA and 85 officers of the national police (including 21 women) to reinforce individual and command responsibility for preventing and addressing sexual violence. SPLA commanders have approved an action plan to address conflict-related sexual violence, and, in November 2017, the Inspector General of Police formed a committee to prepare a similar plan for the police. In May 2017, the special tribunal constituted under the general court martial of SPLA commenced its trial of SPLA soldiers charged with crimes, including the rape and gang rape of humanitarian workers housed at the Terrain hotel compound in 2016. The court allowed victims to give statements via videoconference and permitted the use of closed sessions to protect the identities of victims and witnesses. The court dismissed charges against one defendant (now deceased) and the trial of the remaining 11 continues, with UNMISS monitoring the proceedings.

68. In an increasingly arduous operating environment, UNMISS and humanitarian actors have managed to enhance early warning systems, increase the speed of patrols, including firewood patrols, and establish weapons-free zones around sites for the protection of civilians. Those measures notwithstanding, conflict-related sexual violence continues to be reported in and around displacement settings, with women being frequently robbed and raped when they attempt to fetch water or firewood, gain access to markets or mills or cultivate fields. The attendant fear restricts mobility, impeding women from undertaking vital sustenance activities on which families depend. A total of 2,670 victims of gender-based violence nationwide received medical and psychosocial support through established referral pathways, and the United Nations continued to support medical facilities to ensure that rape kits were stocked and personnel were trained on the clinical management services for survivors of rape.

*Recommendation*

69. I urge parties to the conflict to honour the commitments made in the respective communiqués to prevent and punish conflict-related sexual violence, to remove suspected perpetrators from the armed and security forces and to respect the sanctity of sites for the protection of civilians. I call upon the authorities to ensure the effective functioning of special protection units in the police so as to enhance their responsiveness to women affected by the conflict.

**Sudan (Darfur)**

70. The reduction in military confrontations between Government forces and rebel groups and the sustained unilateral cessation of hostilities during 2017 resulted in an overall improvement of security conditions in Darfur. The situation remains precarious, however, owing to the presence of militia groups, and is fuelled by a volatile regional situation. Conflict-related sexual violence has primarily occurred around displaced persons camps, but has also been noted in villages and remote areas to which displaced persons have begun to return, where perpetrators typically prey upon victims when they are engaged in livelihood activities. In some cases, security fears have forestalled the return of civilians to their villages of origin. In one incident, a family living in West Darfur, which had previously fled to Chad as refugees, were forced back across the border into Chad after a relative was gang-raped, for fear of further attacks (see S/2017/1125). The government campaign to collect illegal weapons in Darfur, pursuant to Presidential Decree 419 (2017), is an important measure for the protection of vulnerable populations. Although those efforts were hampered by resistance from some communities, incidents of intercommunal armed violence appeared to have declined significantly, likely as a result of efforts by the Government to contain and mediate tribal disputes. While the rate of new

displacements was lower in 2017 than in previous years, and humanitarian access had improved, sexual violence remained prevalent, owing to a volatile security environment awash with small arms and light weapons, criminality and sporadic clashes.

71. In 2017, the African Union-United Nations Hybrid Operation in Darfur documented 152 cases of conflict-related sexual violence, affecting 84 women, 66 girls and 2 boys, across the five states of Darfur, a decrease from the 222 victims in 2016. The cases involved rape (90 per cent), attempted rape (6 per cent) and gang rape (4 per cent). In 2 per cent of cases, the victims were killed and, in many others, suffered grievous bodily harm. Sexual violence continues to be chronically underreported due to stigma, harassment, trauma, the lack of protection afforded to victims and witnesses and the perceived inaction of law enforcement, with police and service providers alike having been pressured to drop cases. Rape is often resolved through traditional justice mechanisms, which tend to order victims to marry the perpetrator.

72. The perpetrators of conflict-related sexual violence were identified by victims as armed men or militia members in civilian attire in 70 per cent of cases, and as members of the national security apparatus, namely the Sudanese Armed Forces, Rapid Support Forces, border guards and members of the Sudanese Police Force, in 30 per cent of cases. As in previous years, a spike in sexual violence coincided with the farming season, from July to October, especially along the migration routes of armed nomadic herders, with male farmers being physically attacked and women subjected to sexual assault. Data compiled by the Special Prosecutor for Crimes in Darfur indicated that the rape of minors, especially girls, is on the rise, with the highest rates of child rape recorded in South Darfur (58 per cent). Of 286 cases of the rape of minors reported in 2017, only 86 cases have been adjudicated, although in the view of the Special Prosecutor, none of those cases constituted conflict-related sexual violence. The Government attributes the increased numbers to efforts to raise awareness and improve evidence collection.

73. Although article 149 of the Sudanese Criminal Act (1991) was amended in 2015 to define rape in a manner more consistent with international standards, in practice, victims continue to fear that a failure to prove rape may expose them to being charged with adultery, a situation that perpetuates the reluctance of survivors to report. Local justice authorities have reaffirmed their commitment to ensuring accountability for such crimes, noting the deployment of additional prosecutors and police, including to rural areas. The United Nations has delivered training to justice and security sector personnel and supported the creation of "gender desks" in a number of police stations. UNFPA helped to build the capacity of medical personnel to deliver life-saving clinical management services for survivors of rape and to extend programmes on combatting gender-based violence to the newly-accessible areas. In February 2018, the Government facilitated the first visit of my Special Representative to the Sudan, which included several locations in North and West Darfur. I am encouraged by the constructive dialogue that began during that visit, with a broad range of stakeholders, including senior officials within the security, justice and health sectors.

*Recommendation*

74. I encourage the Government to swiftly adopt a framework of cooperation with the United Nations in line with Security Council resolution 2106 (2013), which will provide a basis for future support to national authorities to enhance prevention and response measures. I also encourage the Government to adopt and implement its draft national action plan on Council resolution 1325 (2000), which will enable progress to be measured against clear benchmarks with associated budget lines. I urge the

international community to support the Government in addressing issues relating to the voluntary return of displaced persons.

**Syrian Arab Republic**

75. Seven years of conflict and humanitarian crisis continues to cause intolerable human suffering, with sexual violence used as a tactic of war, torture and terrorism. Sexual violence, harassment, abduction and forced marriage have affected numerous women and girls. A recurrent concern is the fear of sexual assault when passing checkpoints, which results in restricted mobility. Those who are most vulnerable are internally displaced women and children from previously besieged towns (see A/HRC/36/55). First-hand accounts from women who have been detained in connection with the conflict consistently involve sexual violence, torture and psychological trauma. The rape and sexual torture of men and boys in detention settings, often aimed at extracting confessions during interrogation, has also been a hidden horror of the conflict. Owing to social norms and honour codes, however, men tend to be celebrated by their community upon their release, whereas women face shame, stigma and rejection by husbands or parents, who assume that they were raped in custody. "Honour killings" of women and girls have followed not only in cases of rape, but even in cases of assumed rape, indecent assault and street harassment. Such killings have reportedly increased since the onset of the crisis, owing to rising rates of sexual violence and lawlessness and the proliferation of extremist groups. Syrian women describe a daily struggle to survive, with many suffering serious physical injuries consistent with rape, including traumatic fistulae and sexually transmitted infections. In response to the elevated risk of sexual assault, child marriage has morphed from a cultural practice into a coping mechanism. While early marriage is not a new phenomenon in the Syrian Arab Republic, the protracted nature of the conflict has led to an increase in the rate of early marriage and a decrease in the age of brides, which has taken a heavy toll on Syrian girls, exposing them to domestic and intimate partner violence, unwanted pregnancies, lost educational and employment opportunities, isolation and psychological harm. Adolescent girls, women and girls who are heads of household, widows and divorcees are at greatest risk of forced marriage, polygamy and serial temporary marriages.

76. Fear of rape is frequently cited by female refugees as a primary factor inducing flight, but the risk of sexual violence, exploitation and trafficking remains high in and around refugee and displaced persons camps, owing to overcrowding, lack of privacy, financial desperation and lawlessness. Women and girls with disabilities have been exposed to sexual exploitation, in particular when separated from their caregivers. The challenge of registering children, whose fathers are missing, including those born to survivors of rape, places them at risk of statelessness, especially when mothers are legally unable to confer their nationality upon their children. In addition, the prohibition on pregnancy outside of wedlock has led to the forcible removal from some married women of children conceived as a result of rape. Displaced and refugee women often lack work permits in their own name, placing them at risk of exploitation by landlords, informal employers and criminal networks, with some having been sold into prostitution or marriage. Sexual violence, mainly in detention settings, is a primary reason cited by lesbian, gay, bisexual, transgender and intersex civilians for fleeing the Syrian Arab Republic; they are also among the most vulnerable refugees in the region, in particular in host countries where same-sex relations are criminalized.

77. During the period under review, continuing hostilities and access restrictions posed significant challenges with regard to monitoring, in addition to the trauma and stigma associated with sexual violence deterring survivors from coming forward. The United Nations verified eight cases of conflict-related sexual violence against girls,

including rape, forced marriage and sexual slavery, seven of which were attributed to ISIL and one to the pro-Government Shu'aytat militias (see A/72/361-S/2017/821). Accounts were received of ISIL fighters demanding marriage of girls living in areas under their control. In one verified case, a 14-year-old girl was abducted and gang-raped by six ISIL fighters after her family refused marriage. Thousands of Iraqi Yazidi women and girls, captured since August 2014, continued to be trafficked into and across the Syrian Arab Republic, where they have been used as sex slaves as part of the terrorist group's ongoing campaign of targeting members of minority groups. Emerging reports indicate that additional women and girls from the Yazidi community, and other targeted minority groups, have been forcibly transferred to the Syrian Arab Republic, following military operations in 2017 to liberate areas of Iraq controlled by ISIL.

78. Both the range and geographical reach of services for survivors of gender-based violence increased over the past year, however, more than half of all communities remain in dire need of shelter facilities for women and girls. Barriers to access to services included distance and lack of transportation, affecting in particular women from rural areas, family restrictions and fear of stigmatization. The United Nations has supported the Ministry of Social Affairs and Labour and the Syrian Commission for Family Affairs and Population in establishing a family protection unit to respond to sexual and gender-based violence. The unit began providing psychosocial support, case management, medical care and legal counselling in August. UNFPA supports a number of safe spaces for women and girls in the Syrian Arab Republic, as well as in refugee settings in Jordan, Lebanon and Turkey. With regard to the peace process led by the Syrian Arab Republic, my Special Envoy for Syria continued to work with the women's advisory board and established a civil society support room, through which more than 500 civil society organizations have been consulted, with women comprising approximately 40 per cent of participants (see S/2017/861). Despite extensive documentation of patterns of conflict-related sexual violence, not a single perpetrator has faced prosecution, either in the Syrian Arab Republic or abroad. However, an encouraging development is that the international, impartial and independent mechanism to support prosecution for the most serious crimes committed in the Syrian Arab Republic includes staff with dedicated expertise in addressing sexual violence.

*Recommendation*

79. I call upon all parties to immediately end the use of sexual violence as a tactic of war, torture or terrorism and to ensure protection for those who are most vulnerable, including displaced civilians and detainees. I further call for crimes of sexual violence to be addressed in ceasefire agreements, political negotiations, peace talks and accountability initiatives, which will require the direct participation of women, and for the rights of women to be central in the constitution drafting process. I commend the countries hosting Syrian refugees and encourage them to protect and assist those who have suffered sexual violence or may be at risk of exploitation.

**Yemen**

80. Conflict, militarization and the ensuing humanitarian crisis in Yemen have had a devastating impact on the physical and financial security of women and girls. Six months after the eruption of the conflict, incidents of sexual and gender-based violence had increased by 60 per cent, with an estimated three million women and girls of reproductive age deemed to be at risk (see S/2017/627). Massive internal displacement, and the attendant economic and security challenges, has given rise to negative coping strategies, such as child marriage, forced prostitution and "survival sex", in both the displaced and host communities. In 2017, OHCHR verified cases of

parents marrying off children as young as 13 years of age. Concerns have also been raised about the linkages between migration, trafficking and sexual violence perpetrated by armed and extremist groups, following a case involving the sexual assault of 13 Ethiopian girls by traffickers in the southern governorate. The proliferation of checkpoints in areas controlled by armed groups is another risk factor for sexual violence. However, such issues are chronically underreported owing to shame and stigma, fear of retaliation, including "honour crimes", poor service coverage and the requirement that responders refer cases of sexual violence to the police. Few survivors are able to access services within 72 hours, owing to collapsed infrastructure and the prohibitive cost of transportation from remote, rural areas. The dangers of disclosure are aggravated by the fact that perpetrators are often affiliated with political or armed groups, including the national security apparatus. The United Nations has provided multisectoral assistance to 10,700 survivors of gender-based violence, rehabilitated safe houses for women, supported a network of lawyers to assist survivors, trained health service providers on the clinical management of rape and promoted safe livelihood options for women and girls who are heads of household. United Nations agencies have also worked with religious and tribal leaders to challenge harmful norms, including social acceptance of violence against women and victim-blaming.

*Recommendation*

81. I urge the authorities to address sexual violence by providing services and material assistance to displaced women and girls who are heads of household. I encourage enhanced monitoring and reporting, in particular on the nexus between displacement, trafficking and sexual violence and exploitation, and request donors to prioritize funding for the response.

## IV. Addressing crimes of sexual violence in post-conflict settings

### Bosnia and Herzegovina

82. A quarter of a century since the advent of war in Bosnia and Herzegovina, many survivors of rape and sexual slavery continue to suffer stigma, trauma and socioeconomic exclusion. Conflict-related sexual violence has left a profound imprint on survivors and society alike. Owing to the absence of adequate support, the passage of time has compounded, rather than alleviated, their plight. There is still no comprehensive compensation scheme, and survivors are only eligible for a disability pension, which is a form of welfare rather than reparation. The burden of service delivery is borne primarily by non-governmental organizations, rather than the State, a lack of official redress that has served to reinforce stigma by implying that sexual violence is a private matter, rather than a social problem that requires a sustained public sector response. Because entitlements vary across the entities, access to benefits remains uneven, inhibiting the return of displaced survivors to their areas of origin.

83. The Government and the United Nations continue to implement a joint programme on seeking care, support and justice for survivors of conflict-related sexual violence, which aims at addressing the legacy of those crimes through access to justice, health care and psychosocial support, economic empowerment and efforts to offset stigma and by strengthening the capacity of service providers. In 2017, 21 additional survivors of conflict-related sexual violence were granted official status as civilian victims of war, following determinations made by new commissions on status recognition. The pace of justice at the national level has accelerated in recent years: between 2004 and 2017, 116 cases of conflict-related sexual violence were

adjudicated, 58 cases opened and 128 investigated, although those figures may be incomplete, given that cases against men tend to be qualified as inhumane treatment rather than sexual violence. Concerted efforts are needed to safeguard victims and witnesses from intimidation in connection with war crimes trials. In 2017, five women who testified as witnesses received threats. With regard to stigma prevention, on 19 June, to mark the International Day for the Elimination of Sexual Violence in Conflict, the Interreligious Council, which comprises leaders of the Serbian Orthodox, Islamic, Jewish and Catholic communities, issued an interfaith declaration denouncing the stigmatization of survivors of sexual violence and calling for enhanced efforts to elevate their social status. On 4 October, Bosnia and Herzegovina became the first country to adopt a national plan to alleviate stigma. My Special Representative visited Sarajevo to participate in its launch, alongside government officials, survivors and children (who are now adults) who had been conceived as a result of rape. Following her visit, the United Nations initiated new research into the plight of children conceived through rape in wartime, to inform future programming.

*Recommendation*

84. I urge the authorities to uphold the right of survivors to reparations, including services, housing and education, to strengthen safeguards for victims and witnesses participating in war crimes trials and to foster social acceptance of those who were conceived as a result of rape in wartime.

**Côte d'Ivoire**

85. In 2017, the Forces armées de Côte d'Ivoire, as a result of the cessation of patterns of sexual violence and the adoption of all reasonable measures to meet the requirements of Security Council resolution 2106 (2013), were removed from the list. During the period under review, the United Nations did not receive any allegations of sexual violence committed by members of the national armed or security forces. The Team of Experts worked closely with the United Nations country team to continue to build the capacity of defence and police personnel. In 2017, a United Nations training programme was delivered to over 100 peer educators on effective techniques to raise awareness of sexual violence and involved members of the military and police who would serve as focal points on the policy of zero tolerance of such violence in their units. Subsequently, 150 such focal points were deployed to high-risk regions. An awareness-raising campaign on conflict-related sexual violence commenced in 2017, targeting 5,000 members of the security sector. The work of the Team of Experts has been critical in supporting the national committee for the fight against conflict-related sexual violence and monitoring implementation of its action plan. In 2017, a collective commitment to prevent, denounce and sanction any act of sexual violence was signed by the Chief of Staff of the Forces armées de Côte d'Ivoire, the Superior Commander of the Gendarmerie nationale, the directors general of key ministries, the Prosecutor of the Military Tribunal and the Prosecutor of the First Instance Tribunal of Abidjan, signalling their determination to prevent any recurrence of the widespread sexual violence that characterized previous waves of civil war and political unrest. However, to date, none of the 196 cases of sexual violence perpetrated during the post-electoral crisis, as documented in the report of the Commission nationale d'enquête, have been adjudicated. Furthermore, none of the 43 cases of conflict-related sexual violence under investigation by the Cellule spéciale d'enquête et d'instruction have progressed to trial. A number of victims have received general compensation from the Government as part of its transitional justice framework, but no specific reparations have been awarded in cases of sexual violence.

*Recommendation*

86. I encourage the continued implementation of action plans to ensure that past perpetrators are held accountable and survivors receive services, justice and reparations, as stipulated in the conditions for delisting. In accordance with the transfer plan of the United Nations Operation in Côte d'Ivoire, it is critical to consolidate gains in monitoring and investigating sexual violence by providing adequate resources to enable the national human rights commission and its partners to assume those functions.

**Nepal**

87. Eleven years after the signing of the Comprehensive Peace Agreement, survivors of conflict-era sexual violence continue to face barriers in gaining access to services, justice and reparations, notwithstanding the overall progress in the consolidation of peace. Many maintain their silence for fear of stigmatization and rejection. The Government has taken positive steps to recognize the rights of survivors of sexual violence through its second national action plan on Security Council resolutions 1820 (2008) and 1325 (2000). The plan includes special provisions to address the urgent needs of survivors of conflict-related sexual violence, as well as children conceived as a result of rapes committed during the war. The Truth and Reconciliation Commission has received over 61,000 complaints of human rights violations. Of those, approximately 300 are reports of conflict-related sexual violence, raising concerns that many survivors were unwilling or unable to register. As at December 2017, the Commission had not reported the completion of investigation into any registered cases, and its tenure was extended to February 2019. The United Nations continues to advocate for the recognition of survivors of conflict-related sexual violence as victims of war, which would entitle them to redress. United Nations agencies have organized peer-learning exchanges with survivors of sexual violence from Cambodia, focusing on empowering victims to become advocates. The United Nations trust fund in support of actions to eliminate violence against women supported the training of conflict survivors to become "justice reporters" who helped to collect and document the stories of 500 women survivors of the war, many of whom shared their accounts of rape, in an important contribution to the historical record and collective memory.

*Recommendation*

88. I urge the Government to formally recognize victims of sexual violence perpetrated in wartime as victims of war, enabling them to benefit on an equal basis from national relief and recovery programmes, transitional justice and reparations, thereby helping to reduce the stigma attached to such crimes, and request the Government to ensure that its second national action plan is endorsed, fully resourced and implemented.

**Sri Lanka**

89. Eight years since the cessation of hostilities between the Liberation Tigers of Tamil Eelam and the Government, Sri Lanka has yet to benefit from a comprehensive transitional justice process to address the crimes committed during three decades of brutal civil war, including crimes of conflict-related sexual violence. In its resolution 30/1 of 1 October 2015, the Human Rights Council outlined the elements of a transitional justice system, also highlighting issues of sexual violence, torture and abduction and the climate of intimidation for human rights defenders, which are part of the legacy of war. Efforts continued in 2017 to advance implementation of the resolution through national consultations on the design of transitional justice

mechanisms, which incorporated the voices of survivors of sexual violence. The issue of conflict-related sexual violence featured prominently in the resulting report (A/HRC/34/20). Sri Lanka faces major challenges in ensuring accountability for crimes of sexual violence, including the lack of protection for victims and witnesses and the backlog of cases, with rape cases taking on average more than five years to resolve. The latest annual Grave Crimes Abstract of the Sri Lankan Police recorded 2,036 complaints of rape and no convictions. Since the passage of the Witnesses and Victims Protection Act (2015), a division has been established within the police to safeguard the rights of those reporting violent crimes. However, more female officers are needed (currently, 9 per cent) to improve outreach to women and rates of reporting of and response to sexual violence. With the support of the United Nations, the Government launched a national action plan to address sexual and gender-based violence, in 2016, and a plan on the promotion of human rights, in 2017, which includes specific measures to expedite the handling of cases of sexual violence. The Cabinet approved a series of proposals to support women heads of household, including those in the heavily militarized provinces of the north and east. Strategic interventions are also needed to tackle the stigma experienced by survivors of sexual violence, which is often compounded by the cultural stigma attached to widowhood, and the plight of children conceived through rape in wartime. Survivors of conflict-related sexual violence come from all of the three largest population groups, with Tamil women in the northeast the most affected, as well as Muslim and Sinhala women. Stigma manifests differently in each community, requiring a tailored response. Patterns of sexual violence against men and boys by members of the security forces continue to be underreported, owing to cultural taboos and fear of being penalized in a context where all same-sex relations, consensual or otherwise, are criminalized. Reports continue to surface of rape, gang rape and sexual torture perpetrated by police and military intelligence operatives, in the absence of rigorous accountability and oversight.

*Recommendation*

90. I call for cases of conflict-related sexual violence to be systematically documented pursuant to the proposed transitional justice mechanism, in order to provide an evidence base for prosecutions. Transitional justice mechanisms should include sexual violence against women, girls, men and boys from all ethnic groups in their subject-matter jurisdiction to ensure full accountability, including for security sector actors. I further encourage sustained political resolve and resourcing for the implementation of national plans to combat sexual and gender-based violence and to support women and girls who are heads of household.

## V. Other situations of concern

### Burundi

91. The onset of the political crisis in 2015 exacerbated the risk of sexual violence in Burundi. From May to December 2015, OHCHR documented 19 cases of sexual violence against women by members of the security forces, most of which occurred in the context of search and arrest operations that took place primarily in opposition strongholds. The pattern was similar in all cases, with security forces allegedly entering the victims' homes, separating women from their male family members, and raping or gang-raping them. Similar allegations were received in 2016 and 2017, although those could not be verified, owing to the decision of the Government to suspend its cooperation with OHCHR in October 2016. One report received in October 2017 concerned the rape of a woman in Ruyigi province by two members of the Imbonerakure, the youth league of the ruling party. Although the victim filed a

complaint, no investigation was conducted, because the authorities protected the perpetrators on account of their political affiliation. Similarly, in November 2017, two women were reportedly taken to a youth centre and raped by a gang of Imbonerakure in Ngozi province. Two of the perpetrators were apprehended, but escaped with the collusion of local officials. In April, May and June of 2017, the Imbonerakure hosted gatherings during which slogans inciting sexual violence were chanted, including calls to forcibly impregnate women and girls associated with the opposition "so they can give birth to Imbonerakure". The experts conducting the independent investigation on Burundi carried out pursuant to Human Rights Council resolution S-24/1 received allegations that many women fleeing the country were subjected to sexual violence by members of the Imbonerakure, unidentified armed men and border guards, including as a form of punishment for leaving "while there was no war". The experts also obtained credible information that many Burundian women and girls related to men perceived to be political dissidents were targeted for sexual assault by elements of the security forces. The Commission of Inquiry on Burundi received similar testimonies of sexual violence committed against the female relatives of Government opponents. In 2017, the United Nations reported a climate of intimidation for survivors and service providers alike, as well as increased rates of recourse to negative coping mechanisms, such as transactional sex and/or "survival sex", linked with economic insecurity.

*Recommendation*

92. I call upon the authorities to facilitate human rights monitoring by resuming cooperation with OHCHR, to enable humanitarian service providers to deliver assistance to survivors of sexual violence, including displaced persons and returnees, to condemn statements inciting violence and to ensure that perpetrators of sexual violence are held accountable.

**Nigeria**

93. As the conflict in Nigeria entered its ninth year, an increase in reported incidents of sexual violence in the northeast was observed, with 997 cases reported in 2017, compared with 644 in 2016. Those cases included rape, sexual slavery and forced marriage by Boko Haram insurgents. Women and girls who were abducted, raped and forcibly married in captivity face acute social stigmatization upon their return, because they are often suspected of being sympathizers. Those who return pregnant or with children conceived through rape are frequently rejected or forced to choose between their babies and their families. The use of abducted women and girls as suicide bombers also increased. In the prevailing climate of economic desperation, many women and girls have been forced to exchange sex for food or freedom of movement.

94. In 2017, the Government secured the release of 82 girls abducted from Chibok in 2014, but 112 remain missing. The United Nations supported 337,342 civilians, mostly women and girls, providing them with medical care, clinical management services for survivors of rape and psychosocial counselling. Over 5,600 women benefited from livelihood support, and 15 "women-friendly safe spaces" were established in areas newly liberated from Boko Haram control. During the reporting period, 605 girls and 577 women who survived conflict-related sexual violence received socioeconomic reintegration assistance in Borno state. In July 2017, my Special Representative participated in a high-level visit to Nigeria focused on the empowerment and protection of women, which highlighted the imperative of accountability, oversight and training of the security forces, the need to provide support to all survivors of abduction and abuse, the importance of addressing the rise in early marriage and sexual exploitation in displacement settings and the need to

support the political participation of women. Ongoing dialogue between the Government and the United Nations has shed light on counter-terrorism measures that have infringed on women's rights and freedoms, such as the practice of detaining those released from Boko Haram captivity as their affiliates or intelligence assets.

*Recommendation*

95. I urge the authorities to ensure accountability for crimes of sexual violence, improve service delivery and enhance protection and preventive measures both in conflict-affected communities and displaced persons camps. Socioeconomic reintegration support should be provided to displaced women and girls returning to their places of origin, in particular survivors of Boko Haram captivity, who should be considered as victims of terrorism, not affiliates.

## VI. Recommendations

96. The following recommendations reflect an urgent need for the international community to support those struggling to protect survivors and to prevent women, girls, men and boys from falling victim to such heinous crimes. This requires, in particular, support to local non-governmental organizations and United Nations entities. A concerted effort to enhance prevention, early warning and swift responses will require dedicated human and financial resources commensurate with the scale of the challenge.

97. **I urge the Security Council:**

(a) **To include sexual violence as part of the designation criteria for sanctions, to ensure that dedicated expertise on gender and conflict-related sexual violence informs the work of sanctions committees and monitoring entities and to continue to invite my Special Representative on Sexual Violence in Conflict to share information with sanctions committees, as appropriate; in the context of the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, to ensure that any person or entity who sells or transfers funds to ISIL or other terrorist groups directly or indirectly in connection with sexual violence or exploitation would be eligible for listing;**

(b) **To continue to address the nexus between trafficking in persons and conflict-related sexual violence, further to resolutions 2331 (2016) and 2388 (2017);**

(c) **To support engagement with State and non-State parties to conflict for specific commitments on conflict-related sexual violence, in line with resolution 2106 (2013), and to monitor their compliance, including through the Informal Expert Group on Women and Peace and Security;**

(d) **To employ all means at its disposal to influence State and non-State parties to conflict to comply with international law, including by referring to the Prosecutor of the International Criminal Court situations in which one or more crimes under the Rome Statute appear to have been committed; referrals should address situations in which sexual violence has been committed, commanded or condoned, through the failure to prevent or punish such acts;**

(e) **To give due consideration to the early warning signs of sexual violence in its monitoring of conflict situations, especially in relation to periods of rising violent extremism, political instability, elections and mass population movements,**

**and to take appropriate action, including condemning any incitement to sexual violence;**

**(f) To use its periodic field visits to focus attention on concerns regarding sexual violence, soliciting the views of affected communities and survivors' associations, and to consider visiting proposed sites of return of internally displaced persons and refugees to assess the safety conditions and availability of services;**

**(g) To support the accelerated deployment of women's protection advisers, in order to facilitate the implementation of resolutions on sexual violence in conflict, and to support the inclusion of those posts in regular budgets.**

98. **I encourage Member States, donors, regional and intergovernmental organizations:**

**(a) To ensure that victims of sexual violence perpetrated by armed and/or terrorist groups are recognized as legitimate victims of conflict and/or terrorism, in order to benefit from reparations and redress, including through the revision of national legal and policy frameworks, whenever necessary;**

**(b) To put into place constitutional, legislative and institutional arrangements to comprehensively address conflict-related sexual violence and prevent its recurrence, paying particular attention to ethnic and religious minority groups, women in rural or remote areas, displaced populations, persons with disabilities, male survivors, women and children associated with armed groups, women and children released from situations of captivity, forced marriage, sexual slavery and trafficking by armed groups and lesbian, gay, bisexual, transgender and intersex persons;**

**(c) To integrate legal support with medical and psychosocial care and extend the reach of these services to rural areas;**

**(d) To give due consideration to recognizing conflict-related sexual violence as a form of persecution that may serve as grounds for asylum or refugee status and to consider resettlement support for survivors, such as through "special quota projects", which provide temporary protection through the evacuation and humanitarian admission of vulnerable women and children to third countries, and to ensure that refugee-receiving countries adopt measures to mitigate the risk of sexual violence, to make services available to survivors and to provide them with the option to document their cases for future accountability processes;**

**(e) To give consideration to clarifying the legal status of undocumented refugee children, including children conceived as a result of rape, avoiding prejudicial practices in birth registration and securing the right of mothers to confer their nationality upon their children;**

**(f) To support safe and sustainable returns of displaced and refugee communities to their places of origin or choice, by providing conditions of safety and dignity that include the provision of services, the recovery of property and possessions and accountability for perpetrators, including of crimes of sexual violence;**

**(g) To support community mobilization campaigns to help to shift the stigma of sexual violence from the victims to the perpetrators, including by engaging with religious and traditional leaders, as well as local journalists and human rights defenders;**

(h) To increase the representation of women in national police services and to establish specialized units within the police;

(i) To ensure that signed ceasefire and peace agreements contain provisions that, at a minimum, stipulate sexual violence as a prohibited act in the definition of ceasefire, to ensure that expertise on gender issues and conflict-related sexual violence is included in ceasefire monitoring and verification arrangements and teams and to call upon mediators to include such expertise as part of mediation support teams;

(j) To ensure that efforts to document and investigate international crimes prioritize sexual violence and that those efforts are survivor-centred, well-coordinated, conducted by qualified individuals and guided by the principles of security, confidentiality, anonymity and informed consent;

(k) To enhance cooperation in terms of information-sharing and documentation, assistance to victims of trafficking, the training of security forces, extradition and legal assistance and the exchange of good practices in combatting sexual violence;

(l) To train peacekeeping personnel on preventing sexual exploitation and abuse, on ways to address conflict-related sexual violence, and on identifying and responding to indicators of conflict-related trafficking in persons, as a mandatory component of pre-deployment training;

(m) To ensure that the national forces listed in the annex to the present report, or those listed for grave violations against children, are not deployed to peacekeeping operations;

(n) To address funding shortfalls for programming on combating sexual and gender-based violence and for sexual and reproductive health care in conflict-affected settings and to draw upon the expertise of the United Nations system in the areas of justice and rule of law, service delivery and coordination, including by supporting the Team of Experts on the Rule of Law and Sexual Violence in Conflict and the United Nations Action against Sexual Violence in Conflict network, in particular, ensuring sustainable and regular funding for their work.

# Annex

## List of parties credibly suspected of committing or being responsible for patterns of rape or other forms of sexual violence in situations of armed conflict on the agenda of the Security Council

The following list does not purport to be comprehensive, but rather includes parties for which credible information is available. It should be noted that the names of countries appear only to indicate the locations where those parties are suspected of committing violations.

### Parties in the Central African Republic

Non-State actors:

(a) Lord's Resistance Army;

(b) Ex-Séléka factions: Union pour la paix en centrafrique, Mouvement patriotique pour la centrafrique, Front populaire pour la renaissance de la centrafrique — Gula faction, Front populaire pour la renaissance de la Centrafrique — Abdoulaye Hussein faction, Rassemblement patriotique pour le renouveau de la Centrafrique;

(c) Front démocratique du peuple centrafricain — Abdoulaye Miskine;

(d) Revolution et justice;

(e) Retour, reclamation et réhabilitation — General Sidiki;

(f) Anti-balaka groups.

### Parties in the Democratic Republic of the Congo

1. Non-State actors:

(a) Alliance des patriotes pour un Congo libre et souverain;

(b) Allied Democratic Forces;

(c) Forces pour la défense du Congo;

(d) Bana Mura militias;

(e) Forces démocratiques de libération du Rwanda;

(f) Force de résistance patriotique de l'Ituri;

(g) Kamuina Nsapu;

(h) Lord's Resistance Army;

(i) Nduma défence du Congo;

(j) Mai-Mai Kifuafua;

(k) All Mai-Mai Simba factions;

(l) Nyatura;

(m) Nduma défence du Congo-Renové;

(n) Mai-Mai Raia Mutomboki;

(o) All Twa militia.

2. State actors:

(a) Forces armees de la Republique democratique du Congo;*

(b) Police nationale congolaise.*

**Parties in Iraq**

Non-State actors:

(a) Islamic State in Iraq and the Levant.

**Parties in Mali**

Non-State actors:

(a) Mouvement national de liberation de l'Azawad;

(b) Ansar Eddine;

(c) Mouvement pour l'unification et le jihad en Afrique de l'ouest;

(d) Al-Qaida in the Islamic Maghreb;

(e) Groupe d'autodefense des Touaregs Imghad et leurs allies.

**Parties in Myanmar**

State actors:

(a) Myanmar Armed Forces (Tatmadaw).

**Parties in Somalia**

1. Non-State actors:

(a) Al-Shabaab.

2. State actors:

(a) Somali National Army;*

(b) Somali Police Force* (and allied militia);

(c) Puntland military.

**Parties in the Sudan**

1. Non-State actors:

(a) Justice and Equality Movement.

2. State actors:

(a) Sudanese Armed Forces;

(b) Rapid Support Forces.

**Parties in South Sudan**

1. Non-State actors:

(a) Lord's Resistance Army;

(b) Justice and Equality Movement;

* Indicates that the party has committed to adopting measures to address conflict-related sexual violence.

(c) Sudan People's Liberation Army-in-Opposition — pro-Machar;*

(d) Sudan People's Liberation Army-in-Opposition — pro-Taban Deng.

2. State actors:

(a) Sudan People's Liberation Army;*

(b) South Sudan National Police Service.*

**Parties in the Syrian Arab Republic**

1. Non-State actors:

(a) Islamic State in Iraq and the Levant;

(b) Hay'at Tahrir al-Sham (formerly Nusrah Front);

(c) Army of Islam;

(d) Ahrar al-Sham;

(e) Pro-Government forces, including the National Defence Forces militia.

2. State actors:

(a) Syrian armed forces;

(b) Intelligence services.

**Other parties of concern on the agenda of the Security Council**

Non-State actors:

(a) Boko Haram.